

## RENT LAW APPLIED TO LATER TENANTS

Those Moving In After Its  
Enactment Get Protection,  
Says Brooklyn Court.

## REVERSE RULING HERE

Justice Cropsey's Decision  
in Appellate Term Gives  
Reasons for Stand.

## TWO ASSOCIATES CONCUR

Justices Faber and Lazansky  
Agree They Can't Take View  
of Manhattan Division.

Tenants who have moved into apartments since the passage of the emergency rent laws are entitled to all the protection afforded by these measures as well as tenants who were in occupancy of apartments at the time of the passage of the laws, according to a decision handed down yesterday in the Appellate Term of the Supreme Court, in Brooklyn.

The opinion of the court was written by Justice James C. Cropsey and was concurred in by Justices Leander B. Faber and Edward Lazansky. In it the court asserts that it cannot agree with a recent decision of the Appellate Division in Manhattan, which held that only tenants who were occupants of apartments at the time of the passage of the laws are protected by its provisions.

The decision was made in the case of Samuel Marton, an agent for an apartment house at 1600 Bedford avenue, who rented an apartment to Irving L. Welsch in March, 1921. The rent was fixed at \$75 a month. Welsch refused to pay this amount for the month of May on the ground that under the Emergency Rent Law the amount asked for was unreasonable. Justice Carroll, in the Fourth District Municipal Court, sustained the contention of Welsch and fixed the rent at \$48.23 a month. Marton appealed the decision of Justice Carroll.

**Mentions Manhattan Ruling.**  
The only question upon this appeal is whether the Housing Laws, so called, apply to tenants who became such since their enactment, says Justice Cropsey in his opinion. "The Appellate Division in the First Department has held that the Housing Laws affect only those tenants who were in possession at the time of their enactment, and that a tenant who became such thereafter has no right to avail himself of their provisions."

passed in April, 1920. One was Chapter 129 of the laws of that year. This act by its terms applied to certain existing tenancies and to any lease or tenancy commencing after this subdivision takes effect. Chapter 209 of the laws of 1920 provided that no monthly tenant should be removed unless a thirty days notice had been given. This seems to be part of the general housing legislation, but it could hardly be claimed that it was not to apply to all such tenants thereafter, even though they were not such at the time of the passage of the act.

The fact that this amendment was not intended to limit the scope of the enactment was further shown by the provision that it did not apply to new buildings then in course of construction or commenced hereafter. If the Legislature intended this chapter, or any of the others constituting the housing statute, to apply only to tenants then in possession it was wholly unnecessary and very misleading to insert the provisions that the various acts did not apply to new buildings.

The fact that these provisions are contained in the statute indicates conclusively that the Legislature did intend their enactments to apply to tenants who became such after the statutes were passed, with the exception of tenants who should become such in new buildings then in course of construction or thereafter commenced.

**Tenant Must Deposit Sum.**  
In speaking of an amendment to Chapter 434, the opinion of Justice Cropsey quotes from the amendment as follows: "In the case of a new tenant who contests the reasonableness of the rent, the tenant must deposit the amount due according to the agreement."

This reference to a 'new' tenant plainly, and, we think, conclusively shows that it was the intention of the Legislature that its enactments should apply to all tenants and not merely to those in possession when the original statute was passed," said Justice Cropsey.

"As the legislative enactments do not seem to indicate the intention which has been given to them by the Manhattan division," he continues, "we feel constrained to differ with the conclusion there reached. It may be that the greatest need of the statutes originally was to protect tenants who were in possession. But if they needed protection there was then and is now need of protecting tenants who were not and are not in possession. Especially is there need of protecting those (many thousands of them there must be) who were then in possession but who have since been obliged to vacate for one of the reasons which the housing laws make the basis of a dispossession at the end of a term."

"Those tenants have been compelled to give up possession and to seek new quarters under new landlords. There is no reason why they should not be protected the same as tenants who were more fortunate and who were not required to leave their old dwellings."

"We do not think," as stated in the opinion in the Farnham case, that a tenant out of possession and a landlord stand 'on an equality.' Nor do we think that such a tenant has a 'freedom of choice.' Nor do we think that the legislation in question can be justified on the theory of emergency only with reference to those tenants who were in possession at the time the statutes were passed."

**FALL KILLS YALE FRESHMAN.**  
Tumbles Down Stairs After Attending Dance.

NEW HAVEN, Conn., Oct. 28.—Talcott Bates Chittenden, a Yale freshman who came from Burlington, Iowa, died in a hospital late to-day from injuries suffered by a fall down stairs after attendance at the university dance in Commons last night.

**HYLAN COMES OUT  
STRONG FOR SMITH**

If People Want to Remain in  
Control, Elect Al, Says  
Mayor in Speech.

Mayor Hylan came out strong last night for the reelection of Alfred E. Smith, whom he characterized as the people's candidate, in a speech at a rally for Samuel Marx, candidate for Congress from the 17th district, held in the Wadleigh High School.

"If the people of this city do not want increased fare and want to remain in control," elect Al Smith the next Governor of this State," said the Mayor, "which remark was received with wild applause by the crowded assemblage."

"The Democrats have the greatest platform in its history," the Mayor continued. "I want it understood that I went to Albany while Al Smith was Governor and he had the laws amended so the city could issue long time bonds for the building of new schools here. If it had not been for that law we would not have been able to build a school."

**Expresses More Schools.**  
"When I took office we were \$75,000,000 behind in the school building programme. By the passage of that law we have built many schools, and during the next year we expect to have between fifty and 100 new school buildings."

"I have tried to serve the people by giving an honest administration. If the people of this city want to have 'Tracy's' Junk' McAneny unseated between \$200,000,000 and \$200,000,000 of worthless traction lines on them which they will have to eventually pay in taxes, elect Miller. On the other hand if the people want to control their own affairs, get out and vote for Al Smith and all the other candidates with him including my able Health Commissioner, Royal S. Copeland, as against Calder, who backed the Myer committee. Don't forget about that Myer committee."

## HYLAN COMES OUT STRONG FOR SMITH

If People Want to Remain in  
Control, Elect Al, Says  
Mayor in Speech.

## REVERSE RULING HERE

Justice Cropsey's Decision  
in Appellate Term Gives  
Reasons for Stand.

## TWO ASSOCIATES CONCUR

Justices Faber and Lazansky  
Agree They Can't Take View  
of Manhattan Division.

Tenants who have moved into apartments since the passage of the emergency rent laws are entitled to all the protection afforded by these measures as well as tenants who were in occupancy of apartments at the time of the passage of the laws, according to a decision handed down yesterday in the Appellate Term of the Supreme Court, in Brooklyn.

The opinion of the court was written by Justice James C. Cropsey and was concurred in by Justices Leander B. Faber and Edward Lazansky. In it the court asserts that it cannot agree with a recent decision of the Appellate Division in Manhattan, which held that only tenants who were occupants of apartments at the time of the passage of the laws are protected by its provisions.

The decision was made in the case of Samuel Marton, an agent for an apartment house at 1600 Bedford avenue, who rented an apartment to Irving L. Welsch in March, 1921. The rent was fixed at \$75 a month. Welsch refused to pay this amount for the month of May on the ground that under the Emergency Rent Law the amount asked for was unreasonable. Justice Carroll, in the Fourth District Municipal Court, sustained the contention of Welsch and fixed the rent at \$48.23 a month. Marton appealed the decision of Justice Carroll.

**Mentions Manhattan Ruling.**  
The only question upon this appeal is whether the Housing Laws, so called, apply to tenants who became such since their enactment, says Justice Cropsey in his opinion. "The Appellate Division in the First Department has held that the Housing Laws affect only those tenants who were in possession at the time of their enactment, and that a tenant who became such thereafter has no right to avail himself of their provisions."

"Those tenants have been compelled to give up possession and to seek new quarters under new landlords. There is no reason why they should not be protected the same as tenants who were more fortunate and who were not required to leave their old dwellings."

"We do not think," as stated in the opinion in the Farnham case, that a tenant out of possession and a landlord stand 'on an equality.' Nor do we think that such a tenant has a 'freedom of choice.' Nor do we think that the legislation in question can be justified on the theory of emergency only with reference to those tenants who were in possession at the time the statutes were passed."

**FALL KILLS YALE FRESHMAN.**  
Tumbles Down Stairs After Attending Dance.

NEW HAVEN, Conn., Oct. 28.—Talcott Bates Chittenden, a Yale freshman who came from Burlington, Iowa, died in a hospital late to-day from injuries suffered by a fall down stairs after attendance at the university dance in Commons last night.

**HYLAN COMES OUT  
STRONG FOR SMITH**

If People Want to Remain in  
Control, Elect Al, Says  
Mayor in Speech.

Mayor Hylan came out strong last night for the reelection of Alfred E. Smith, whom he characterized as the people's candidate, in a speech at a rally for Samuel Marx, candidate for Congress from the 17th district, held in the Wadleigh High School.

"If the people of this city do not want increased fare and want to remain in control," elect Al Smith the next Governor of this State," said the Mayor, "which remark was received with wild applause by the crowded assemblage."

"The Democrats have the greatest platform in its history," the Mayor continued. "I want it understood that I went to Albany while Al Smith was Governor and he had the laws amended so the city could issue long time bonds for the building of new schools here. If it had not been for that law we would not have been able to build a school."

**Expresses More Schools.**  
"When I took office we were \$75,000,000 behind in the school building programme. By the passage of that law we have built many schools, and during the next year we expect to have between fifty and 100 new school buildings."

"I have tried to serve the people by giving an honest administration. If the people of this city want to have 'Tracy's' Junk' McAneny unseated between \$200,000,000 and \$200,000,000 of worthless traction lines on them which they will have to eventually pay in taxes, elect Miller. On the other hand if the people want to control their own affairs, get out and vote for Al Smith and all the other candidates with him including my able Health Commissioner, Royal S. Copeland, as against Calder, who backed the Myer committee. Don't forget about that Myer committee."

## AUTOMOBILE KILLS BOY SKATING BEHIND TRUCK

Two Other Motor Victims Die  
of Injuries.

## REVERSE RULING HERE

Justice Cropsey's Decision  
in Appellate Term Gives  
Reasons for Stand.

## TWO ASSOCIATES CONCUR

Justices Faber and Lazansky  
Agree They Can't Take View  
of Manhattan Division.

Tenants who have moved into apartments since the passage of the emergency rent laws are entitled to all the protection afforded by these measures as well as tenants who were in occupancy of apartments at the time of the passage of the laws, according to a decision handed down yesterday in the Appellate Term of the Supreme Court, in Brooklyn.

The opinion of the court was written by Justice James C. Cropsey and was concurred in by Justices Leander B. Faber and Edward Lazansky. In it the court asserts that it cannot agree with a recent decision of the Appellate Division in Manhattan, which held that only tenants who were occupants of apartments at the time of the passage of the laws are protected by its provisions.

The decision was made in the case of Samuel Marton, an agent for an apartment house at 1600 Bedford avenue, who rented an apartment to Irving L. Welsch in March, 1921. The rent was fixed at \$75 a month. Welsch refused to pay this amount for the month of May on the ground that under the Emergency Rent Law the amount asked for was unreasonable. Justice Carroll, in the Fourth District Municipal Court, sustained the contention of Welsch and fixed the rent at \$48.23 a month. Marton appealed the decision of Justice Carroll.

**Mentions Manhattan Ruling.**  
The only question upon this appeal is whether the Housing Laws, so called, apply to tenants who became such since their enactment, says Justice Cropsey in his opinion. "The Appellate Division in the First Department has held that the Housing Laws affect only those tenants who were in possession at the time of their enactment, and that a tenant who became such thereafter has no right to avail himself of their provisions."

"Those tenants have been compelled to give up possession and to seek new quarters under new landlords. There is no reason why they should not be protected the same as tenants who were more fortunate and who were not required to leave their old dwellings."

"We do not think," as stated in the opinion in the Farnham case, that a tenant out of possession and a landlord stand 'on an equality.' Nor do we think that such a tenant has a 'freedom of choice.' Nor do we think that the legislation in question can be justified on the theory of emergency only with reference to those tenants who were in possession at the time the statutes were passed."

**FALL KILLS YALE FRESHMAN.**  
Tumbles Down Stairs After Attending Dance.

NEW HAVEN, Conn., Oct. 28.—Talcott Bates Chittenden, a Yale freshman who came from Burlington, Iowa, died in a hospital late to-day from injuries suffered by a fall down stairs after attendance at the university dance in Commons last night.

**HYLAN COMES OUT  
STRONG FOR SMITH**

If People Want to Remain in  
Control, Elect Al, Says  
Mayor in Speech.

Mayor Hylan came out strong last night for the reelection of Alfred E. Smith, whom he characterized as the people's candidate, in a speech at a rally for Samuel Marx, candidate for Congress from the 17th district, held in the Wadleigh High School.

"If the people of this city do not want increased fare and want to remain in control," elect Al Smith the next Governor of this State," said the Mayor, "which remark was received with wild applause by the crowded assemblage."

"The Democrats have the greatest platform in its history," the Mayor continued. "I want it understood that I went to Albany while Al Smith was Governor and he had the laws amended so the city could issue long time bonds for the building of new schools here. If it had not been for that law we would not have been able to build a school."

**Expresses More Schools.**  
"When I took office we were \$75,000,000 behind in the school building programme. By the passage of that law we have built many schools, and during the next year we expect to have between fifty and 100 new school buildings."

"I have tried to serve the people by giving an honest administration. If the people of this city want to have 'Tracy's' Junk' McAneny unseated between \$200,000,000 and \$200,000,000 of worthless traction lines on them which they will have to eventually pay in taxes, elect Miller. On the other hand if the people want to control their own affairs, get out and vote for Al Smith and all the other candidates with him including my able Health Commissioner, Royal S. Copeland, as against Calder, who backed the Myer committee. Don't forget about that Myer committee."

## AUTOMOBILE KILLS BOY SKATING BEHIND TRUCK

Two Other Motor Victims Die  
of Injuries.

## REVERSE RULING HERE

Justice Cropsey's Decision  
in Appellate Term Gives  
Reasons for Stand.

## TWO ASSOCIATES CONCUR

Justices Faber and Lazansky  
Agree They Can't Take View  
of Manhattan Division.

Tenants who have moved into apartments since the passage of the emergency rent laws are entitled to all the protection afforded by these measures as well as tenants who were in occupancy of apartments at the time of the passage of the laws, according to a decision handed down yesterday in the Appellate Term of the Supreme Court, in Brooklyn.

The opinion of the court was written by Justice James C. Cropsey and was concurred in by Justices Leander B. Faber and Edward Lazansky. In it the court asserts that it cannot agree with a recent decision of the Appellate Division in Manhattan, which held that only tenants who were occupants of apartments at the time of the passage of the laws are protected by its provisions.

The decision was made in the case of Samuel Marton, an agent for an apartment house at 1600 Bedford avenue, who rented an apartment to Irving L. Welsch in March, 1921. The rent was fixed at \$75 a month. Welsch refused to pay this amount for the month of May on the ground that under the Emergency Rent Law the amount asked for was unreasonable. Justice Carroll, in the Fourth District Municipal Court, sustained the contention of Welsch and fixed the rent at \$48.23 a month. Marton appealed the decision of Justice Carroll.

**Mentions Manhattan Ruling.**  
The only question upon this appeal is whether the Housing Laws, so called, apply to tenants who became such since their enactment, says Justice Cropsey in his opinion. "The Appellate Division in the First Department has held that the Housing Laws affect only those tenants who were in possession at the time of their enactment, and that a tenant who became such thereafter has no right to avail himself of their provisions."

"Those tenants have been compelled to give up possession and to seek new quarters under new landlords. There is no reason why they should not be protected the same as tenants who were more fortunate and who were not required to leave their old dwellings."

"We do not think," as stated in the opinion in the Farnham case, that a tenant out of possession and a landlord stand 'on an equality.' Nor do we think that such a tenant has a 'freedom of choice.' Nor do we think that the legislation in question can be justified on the theory of emergency only with reference to those tenants who were in possession at the time the statutes were passed."

**FALL KILLS YALE FRESHMAN.**  
Tumbles Down Stairs After Attending Dance.

NEW HAVEN, Conn., Oct. 28.—Talcott Bates Chittenden, a Yale freshman who came from Burlington, Iowa, died in a hospital late to-day from injuries suffered by a fall down stairs after attendance at the university dance in Commons last night.

**HYLAN COMES OUT  
STRONG FOR SMITH**

If People Want to Remain in  
Control, Elect Al, Says  
Mayor in Speech.

Mayor Hylan came out strong last night for the reelection of Alfred E. Smith, whom he characterized as the people's candidate, in a speech at a rally for Samuel Marx, candidate for Congress from the 17th district, held in the Wadleigh High School.

"If the people of this city do not want increased fare and want to remain in control," elect Al Smith the next Governor of this State," said the Mayor, "which remark was received with wild applause by the crowded assemblage."

"The Democrats have the greatest platform in its history," the Mayor continued. "I want it understood that I went to Albany while Al Smith was Governor and he had the laws amended so the city could issue long time bonds for the building of new schools here. If it had not been for that law we would not have been able to build a school."

**Expresses More Schools.**  
"When I took office we were \$75,000,000 behind in the school building programme. By the passage of that law we have built many schools, and during the next year we expect to have between fifty and 100 new school buildings."

"I have tried to serve the people by giving an honest administration. If the people of this city want to have 'Tracy's' Junk' McAneny unseated between \$200,000,000 and \$200,000,000 of worthless traction lines on them which they will have to eventually pay in taxes, elect Miller. On the other hand if the people want to control their own affairs, get out and vote for Al Smith and all the other candidates with him including my able Health Commissioner, Royal S. Copeland, as against Calder, who backed the Myer committee. Don't forget about that Myer committee."

## AUTOMOBILE KILLS BOY SKATING BEHIND TRUCK

Two Other Motor Victims Die  
of Injuries.

## REVERSE RULING HERE

Justice Cropsey's Decision  
in Appellate Term Gives  
Reasons for Stand.

## TWO ASSOCIATES CONCUR

Justices Faber and Lazansky  
Agree They Can't Take View  
of Manhattan Division.

Tenants who have moved into apartments since the passage of the emergency rent laws are entitled to all the protection afforded by these measures as well as tenants who were in occupancy of apartments at the time of the passage of the laws, according to a decision handed down yesterday in the Appellate Term of the Supreme Court, in Brooklyn.

The opinion of the court was written by Justice James C. Cropsey and was concurred in by Justices Leander B. Faber and Edward Lazansky. In it the court asserts that it cannot agree with a recent decision of the Appellate Division in Manhattan, which held that only tenants who were occupants of apartments at the time of the passage of the laws are protected by its provisions.

The decision was made in the case of Samuel Marton, an agent for an apartment house at 1600 Bedford avenue, who rented an apartment to Irving L. Welsch in March, 1921. The rent was fixed at \$75 a month. Welsch refused to pay this amount for the month of May on the ground that under the Emergency Rent Law the amount asked for was unreasonable. Justice Carroll, in the Fourth District Municipal Court, sustained the contention of Welsch and fixed the rent at \$48.23 a month. Marton appealed the decision of Justice Carroll.

**Mentions Manhattan Ruling.**  
The only question upon this appeal is whether the Housing Laws, so called, apply to tenants who became such since their enactment, says Justice Cropsey in his opinion. "The Appellate Division in the First Department has held that the Housing Laws affect only those tenants who were in possession at the time of their enactment, and that a tenant who became such thereafter has no right to avail himself of their provisions."

"Those tenants have been compelled to give up possession and to seek new quarters under new landlords. There is no reason why they should not be protected the same as tenants who were more fortunate and who were not required to leave their old dwellings."

"We do not think," as stated in the opinion in the Farnham case, that a tenant out of possession and a landlord stand 'on an equality.' Nor do we think that such a tenant has a 'freedom of choice.' Nor do we think that the legislation in question can be justified on the theory of emergency only with reference to those tenants who were in possession at the time the statutes were passed."

**FALL KILLS YALE FRESHMAN.**  
Tumbles Down Stairs After Attending Dance.

NEW HAVEN, Conn., Oct. 28.—Talcott Bates Chittenden, a Yale freshman who came from Burlington, Iowa, died in a hospital late to-day from injuries suffered by a fall down stairs after attendance at the university dance in Commons last night.

**HYLAN COMES OUT  
STRONG FOR SMITH**

If People Want to Remain in  
Control, Elect Al, Says  
Mayor in Speech.

Mayor Hylan came out strong last night for the reelection of Alfred E. Smith, whom he characterized as the people's candidate, in a speech at a rally for Samuel Marx, candidate for Congress from the 17th district, held in the Wadleigh High School.

"If the people of this city do not want increased fare and want to remain in control," elect Al Smith the next Governor of this State," said the Mayor, "which remark was received with wild applause by the crowded assemblage."

"The Democrats have the greatest platform in its history," the Mayor continued. "I want it understood that I went to Albany while Al Smith was Governor and he had the laws amended so the city could issue long time bonds for the building of new schools here. If it had not been for that law we would not have been able to build a school."

**Expresses More Schools.**  
"When I took office we were \$75,000,000 behind in the school building programme. By the passage of that law we have built many schools, and during the next year we expect to have between fifty and 100 new school buildings."

"I have tried to serve the people by giving an honest administration. If the people of this city want to have 'Tracy's' Junk' McAneny unseated between \$200,000,000 and \$200,000,000 of worthless traction lines on them which they will have to eventually pay in taxes, elect Miller. On the other hand if the people want to control their own affairs, get out and vote for Al Smith and all the other candidates with him including my able Health Commissioner, Royal S. Copeland, as against Calder, who backed the Myer committee. Don't forget about that Myer committee."

## AUTOMOBILE KILLS BOY SKATING BEHIND TRUCK

Two Other Motor Victims Die  
of Injuries.

## REVERSE RULING HERE

Justice Cropsey's Decision  
in Appellate Term Gives  
Reasons for Stand.

## TWO ASSOCIATES CONCUR

Justices Faber and Lazansky  
Agree They Can't Take View  
of Manhattan Division.

Tenants who have moved into apartments since the passage of the emergency rent laws are entitled to all the protection afforded by these measures as well as tenants who were in occupancy of apartments at the time of the passage of the laws, according to a decision handed down yesterday in the Appellate Term of the Supreme Court, in Brooklyn.

The opinion of the court was written by Justice James C. Cropsey and was concurred in by Justices Leander B. Faber and Edward Lazansky. In it the court asserts that it cannot agree with a recent decision of the Appellate Division in Manhattan, which held that only tenants who were occupants of apartments at the time of the passage of the laws are protected by its provisions.

The decision was made in the case of Samuel Marton, an agent for an apartment house at 1600 Bedford avenue, who rented an apartment to Irving L. Welsch in March, 1921. The rent was fixed at \$75 a month. Welsch refused to pay this amount for the month of May on the ground that under the Emergency Rent Law the amount asked for was unreasonable. Justice Carroll, in the Fourth District Municipal Court, sustained the contention of Welsch and fixed the rent at \$48.23 a month. Marton appealed the decision of Justice Carroll.

**Mentions Manhattan Ruling.**  
The only question upon this appeal is whether the Housing Laws, so called, apply to tenants who became such since their enactment, says Justice Cropsey in his opinion. "The Appellate Division in the First Department has held that the Housing Laws affect only those tenants who were in possession at the time of their enactment, and that a tenant who became such thereafter has no right to avail himself of their provisions."

"Those tenants have been compelled to give up possession and to seek new quarters under new landlords. There is no reason why they should not be protected the same as tenants who were more fortunate and who were not required to leave their old dwellings."

"We do not think," as stated in the opinion in the Farnham case, that a tenant out of possession and a landlord stand 'on an equality.' Nor do we think that such a tenant has a 'freedom of choice.' Nor do we think that the legislation in question can be justified on the theory of emergency only with reference to those tenants who were in possession at the time the statutes were passed."

**FALL KILLS YALE FRESHMAN.**  
Tumbles Down Stairs After Attending Dance.

NEW HAVEN, Conn., Oct. 28.—Talcott Bates Chittenden, a Yale freshman who came from Burlington, Iowa, died in a hospital late to-day from injuries suffered by a fall down stairs after attendance at the university dance in Commons last night.

**HYLAN COMES OUT  
STRONG FOR SMITH**

If People Want to Remain in  
Control, Elect Al, Says  
Mayor in Speech.

Mayor Hylan came out strong last night for the reelection of Alfred E. Smith, whom he characterized as the people's candidate, in a speech at a rally for Samuel Marx, candidate for Congress from the 17th district, held in the Wadleigh High School.

"If the people of this city do not want increased fare and want to remain in control," elect Al Smith the next Governor of this State," said the Mayor, "which remark was received with wild applause by the crowded assemblage."

"The Democrats have the greatest platform in its history," the Mayor continued. "I want it understood that I went to Albany while Al Smith was Governor and he had the laws amended so the city could issue long time bonds for the building of new schools here. If it had not been for that law we would not have been able to build a school."

**Expresses More Schools.**  
"When I took office we were \$75,000,000 behind in the school building programme. By the passage of that law we have built many schools, and during the next year we expect to have between fifty and 100 new school buildings."

"I have tried to serve the people by giving an honest administration. If the people of this city want to have 'Tracy's' Junk' McAneny unseated between \$200,000,000 and \$200,000,000 of worthless traction lines on them which they will have to eventually pay in taxes, elect Miller. On the other hand if the people want to control their own affairs, get out and vote for Al Smith and all the other candidates with him including my able Health Commissioner, Royal S. Copeland, as against Calder, who backed the Myer committee. Don't forget about that Myer committee."

## AUTOMOBILE KILLS BOY SKATING BEHIND TRUCK

Two Other Motor Victims Die  
of Injuries.

## REVERSE RULING HERE

Justice Cropsey's Decision  
in Appellate Term Gives  
Reasons for Stand.

## TWO ASSOCIATES CONCUR

Justices Faber and Lazansky  
Agree They Can't Take View  
of Manhattan Division.

Tenants who have moved into apartments since the passage of the emergency rent laws are entitled to all the protection afforded by these measures as well as tenants who were in occupancy of apartments at the time of the passage of the laws, according to a decision handed down yesterday in the Appellate Term of the Supreme Court, in Brooklyn.

The opinion of the court was written by Justice James C. Cropsey and was concurred in by Justices Leander B. Faber and Edward Lazansky. In it the court asserts that it cannot agree with a recent decision of the Appellate Division in Manhattan, which held that only tenants who were occupants of apartments at the time of the passage of the laws are protected